

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6485**  
**BILL NUMBER:** HB 1233

**NOTE PREPARED:** Jan 12, 2004  
**BILL AMENDED:**

**SUBJECT:** Inmate Credit Time.

**FIRST AUTHOR:** Rep. Smith V  
**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** The bill increases the amount of credit time a Class I inmate earns for each day the inmate serves and for completing education and substance abuse programs.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** The bill would make the following changes to the credit time that a prisoner who is assigned to Credit Class I and is demonstrating a pattern consistent with rehabilitation may earn to reduce the length of incarceration in a state facility.

| Proposed Changes in Credit Time  |          |          |
|--|----------|----------|
| For completing...  | Current  | Proposed |
| Days reduced from sentence for each day in Credit Class I  | 1 day    | 2 days   |
| General Education Development Diploma  | 6 months | 1 year   |
| High School Diploma or Associate's Degree  | 1 year   | 2 years  |
| Bachelor's Degree  | 2 years  | 4 years  |
| Certificate of Completion of a Vocational Education Program, Substance Abuse Program, or Literacy or Life Skills Program | 6 months | 1 year   |

In addition to these changes, certain limits on the use of credit time would be increased:

- **Participation in Vocational Programs and Substance Abuse Programs:** Under current law, the maximum amount of credit time that an offender with no substance abuse problem can earn for completing a vocational education program is limited to a total of 12 months. And if the person earns more than 6 months of credit for completing vocational education programs, the person is ineligible for substance abuse programs. Under the bill, the credit time allowable for vocational programs would increase to 2 years and the person would be allowed 1 year of credit to still qualify for substance abuse programs.
- **Maximum Earned Credit Time:** The total amount of credit time that a person can earn from a combination of diplomas and certificates is the lesser of 4 years or 1/3 of the offender's applicable credit time. The bill would increase this limit to the lesser 8 years or 1/3 of the offender's applicable credit time.
- **Offenders Earning Credit Time Between July 1, 2002, and June 30, 2004:** Further, the bill would require recalculation of credit time for educational credit time earned by a prisoner between July 1, 2002, and June 30, 2004, based on the changes proposed by this bill.

*Fiscal Impact of Increasing Good Conduct Credit Time:* On December 15, 2003, the offender population in Department of Correction (DOC) facilities was divided into credit classes based on conduct.

| Credit Class | Number of Offenders  | Time Cuts for Conduct Compliance                      |
|--------------|----------------------|---|
| I            | 21,277               | Receive one day off sentence for each day in Class I  |
| II           | 905                  | Receive one day off sentence for two days in Class II |
| II           | <u>522</u>           | No days off sentence                                  |
|              | <u><u>22,704</u></u> |   |

The following table shows the potential number of offenders who would be affected by this bill after taking into account release dates before July 1, 2004, offenders with no release dates, and offenders committed to DOC with release dates after July 1, 2004.

| Class I Offenders in DOC Facilities in December 2001                                      |                      |
|---|----------------------|
| Release dates prior to July 1, 2004   | 4,219                |
| No release date due to death sentence, life imprisonment, or because release date unknown | 266                  |
| Release dates after July 1, 2004  | <u>16,792</u>        |
| Total   | <u><u>21,277</u></u> |

The following table illustrates the potential number of offenders who could be released from DOC facilities by fiscal year based on the earliest possible release date as calculated under current law and by the proposed change in this bill. The new earliest possible release date was calculated by multiplying 1/3 of the difference between July 1, 2004, and the offender's maximum release date. Since this table only takes into account good conduct credit, the number of offenders released earlier than under current law would likely increase when

adjusting for added time reductions for completing educational and vocational programs.

| <b>Number of Offenders to Be Released From DOC Facilities<br/>Projected Under Current Law and Estimated Based on<br/>Proposed Change</b> |                |                 |   |
|--|----------------|-----------------|---|
| <u>FY</u>  | <u>Current</u> | <u>Proposed</u> | <u>Change in<br/>Offenders Released</u> |
| 2005   | 4,595          | 4,843           | 248                                     |
| 2006   | 2,769          | 3,167           | 398                                     |
| 2007   | 1,854          | 2,119           | 265                                     |
| 2008   | 1,243          | 1,046           | (197)                                   |
| 2009   | 794            | 813             | 19                                      |
| 2010   | 654            | 799             | 145                                     |
| 2011   | 519            | 434             | (85)                                    |
| 2012 and after   | <u>4,364</u>   | <u>3,571</u>    | <u>(793)</u>                            |
| total  | 16,792         | 16,792          | 0                                       |
| Note: The year of release under current law was recalculated to take into account good conduct credit time earned in prison only.        |                |                 |   |

The following table provides further background concerning sentencing patterns based on a one-day snapshot of state prison population on December 15, 2003. This table includes the average nominal sentence length for Credit Class I prisoners by felony class, the average length of sentence based on current good conduct credit time earned, the average length of sentence based on the proposed good conduct credit time earned, and the difference between the two.

| <b>Average Maximum Sentence (In Years)<br/>for Credit Class I Prisoners by Felony Offense Class</b>                      |                             |   |   |                   |
|--|-----------------------------|---|---|-------------------|
| <b>Felony Offense<br/>Class</b>  | <b>Nominal<br/>Sentence</b> | <b><i>Length of Time by Earliest Release Date</i></b> |   | <b>Difference</b> |
|  |                             | <b>1 Day Credit Time/<br/>1 Day Served</b>            | <b>2 Days Credit Time/<br/>1 Day Served</b> |                   |
| Murder   | 58.2                        | 29.1  | 19.4  | 9.7               |
| A  | 35.3                        | 17.6  | 11.8  | 5.8               |
| B  | 12.3                        | 6.2   | 4.1   | 2.1               |
| C  | 5.8                         | 2.9   | 1.9   | 1                 |
| D  | 2.4                         | 1.2   | 0.8   | 0.4               |
| Overall Average  | 16.6                        | 8.3   | 5.5   | 2.8               |
| Note: Of the 21,277 records for Credit Class I offenders, 266 records did not have information available for this table. |                             |   |   |                   |

*Impact of Increasing Educational Credit Time:* There are no data available to specifically identify how the provisions concerning educational credit time will affect the prison population. The following table illustrates the maximum amount of time that can be subtracted from an offender's sentence assuming the offender receives full credit for remaining in Credit Class I and completes one or more diplomas and certificates.

| Illustrations of the Amount of Maximum Sentence Reductions that Offenders Would Earn Under the Bill (In Years) |             |          |
|--|-------------|----------|
| Nominal Sentence   | Current Law | Proposed |
| 25   | 4           | 8        |
| 20   | 4           | 7.1      |
| 17.5   | 4           | 6.6      |
| 15   | 3.8         | 6        |
| 12   | 3.3         | 5.3      |
| 5  | 2.2         | 3.8      |

*Fiscal Impact of Changes in Good Conduct Credit:* If an offender is released from a correctional facility earlier than the offender otherwise would be, all other things being equal, the state would save the cost of incarcerating the offender for the period in question. The average annual cost of incarceration in a state facility was \$26,825 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

*The specific amount of credit time that the offender will earn will depend on when the offender begins the program and when the offender completes it.*

Note: The number of offenders who have completed educational, vocational, substance abuse, and literacy and life skills classes between July 1, 2002, and June 30, 2004, is not currently available. [This fiscal note will be updated when this information becomes available.]

*Increasing Waiting Lists, Shifting Offenders, and Parole:* If offenders become interested in enrolling in educational programs in order to reduce length of a prison sentence, programs could fill and the waiting lists for programs may increase. Currently, waiting list size depends on the facility, and DOC indicates that when waiting lists are high in some facilities, offenders will sometimes be transferred to other facilities so they can participate sooner in the program. This leads to three potential increases in cost:

- This bill could increase the waiting list for enrolling in programs depending on the interest of the offenders. Increasing the waiting lists to enroll could potentially increase the need for more programs.
- If waiting lists increase at certain facilities, DOC may have to relocate additional prisoners to other facilities so that they may participate in programs sooner.
- If offenders are released on parole earlier than under current statute, then the number of offenders on supervision by parole officers would increase temporarily until the offender is finally released from parole. The added burden will depend on which part of the state these offenders relocate.

#### **Explanation of State Revenues:**

**Explanation of Local Expenditures:** If offenders are sentenced to be released to probation earlier than under current statute, then the number of offenders supervised by probation officers would increase

temporarily. The added burden will depend on which county these offenders would relocate.

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Probation Offices.

**Information Sources:** Department of Correction.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.